

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER

*Plaintiff,*

v.

COUNTY OF LANCASTER, *et al.*,

*Defendants.*

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

**PLAINTIFF'S NOTICE OF INTENT NOT TO AMEND AND ELECTION TO STAND  
ON DISMISSALS**

Plaintiff Michael Miller respectfully files this notice to eliminate any ambiguity as to his litigation posture and appellate intent. In light of the Third Circuit's dismissal of appeal No. 25-1423 for lack of a final judgment, Plaintiff makes the following unequivocal statement pursuant to *Weber v. McGrogan*, 939 F.3d 232, 240 (3d Cir. 2019):

Plaintiff declines to file a second amended complaint. He elects to stand on the pleadings dismissed by this Court's March 7, 2025 Order (ECF No. 36) and intends to seek appellate review of that order and all prior jurisdictional and procedural rulings.

This decision is made clearly, affirmatively, and without reservation. Plaintiff hereby waives any right to further amend, including as to Counts I, IX, X, and XI, and submits that the Court's rulings on the pleadings and motions now operate as a final disposition.

Plaintiff respectfully requests that the Court enter final judgment so that appellate jurisdiction may properly vest under 28 U.S.C. § 1291 and Federal Rule of Appellate Procedure 4.

Plaintiff files this notice in conjunction with a motion under Rule 58(d) and respectfully requests that the Court set out judgment in a separate document consistent with Rule 58(a).

Respectfully submitted,

/s/ Michael Miller

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Dated: July 27, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

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Respectfully Submitted,

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Dated: July 27, 2025